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| EXAMINER |
|---|
| JOSEPH, TONYA S |

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| 3628 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/677,619 | OGG, CRAIG |
| | Examiner | Art Unit | |
| | TONYA JOSEPH | 3628 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *18 August 2008*.

2a) ☒ This action is **FINAL**.          2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-7,9-12,14-20 and 22* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7, 9-12,14-20 and 22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

## DETAILED ACTION

### *Status of Claims*

Claims 1-7, 9-12, 14-20 and 22 have been previously examined. No claims have been cancelled. No claims have been added. Claims 1-2, 9, 11 and 19 have been amended. Thus claims 1-7, 9-12, 14-20 and 22 are presented for examination.

### *Response to Arguments*

1.     Applicant's arguments filed 08/18/2008 have been fully considered but they are not persuasive.

2.     Applicant argues that the Examiner disregarded the claim limitations of the most previous amendment. The Examiner disagrees. In the most previous Office Action dated, 05/16/2008, the Examiner provided a <u>lengthy and detailed</u> explanation pointing out the defects of the claim language. Although, the Applicant explained what they were attempting to claim, the claims did not clearly recite that. The examiner then interpreted the limitations as not further limiting. While the claims were <u>duly considered</u>, they did not alter the scope of the claim from it's previous version therefore the rejections set forth in the previous action remained applicable to the claims in the current version in the same manner.  For the Applicant's convenience, The Examiner has provided  a portion of the detailed explanation from the Office Action dated, 05/16/2008 below.

> Applicant stated in the remarks, pg. 6 para. 2, that "the parallel process is
> found in that the system is able to generate indicia for an individual mail
> piece while simultaneously processing that same individual mail piece".
> Contrarily, Applicant's newly amended claim language does not make this

position clear nor does it clarify the previous claim limitation. Applicant's claim has been amended to recite:

a postage computing device for separately calculating postage value due for each individual mail piece, said postage computing device operable to use said calculated postage value to generate an information based postage indicia for an individual mail piece in parallel with the individual mail piece being physically created and

processed by at least one mail processing component of said two or more mail processing components.

As the claim is currently presented, there appears to be three separate types of individual mail pieces:

Mailpiece 1: The individual mail piece of the postage computing device.

Mailpiece 2: An individual mail piece that will contain generated information based indicia.

Mailpiece 3: The individual mail piece which is being physically created and processed

by at least one mail processing component. This is in glaring contrast to Applicant's remarks regarding the parallel process. It further makes the claim language unclear as to how many mail pieces are being discussed and the role of these individual mail pieces at various points throughout the system and their relation to the claimed process. Furthermore, there is a lack of antecedent basis for, "the individual mail piece being physically

created and processed..." For the reasons outlined above, the claim
language is indefinite and unclear. Accordingly for Examination purposes,
the Examiner is interpreting Applicant's amendments with respect to
claims 1 and 11 as not further limiting.

3.      Rather than distinctly pointing out that an indicia generation process occurs
simultaneously with a mail processing process and correct antecedent basis errors,
Applicant amended and continues to amend the claim language to include unclear and
lengthy phrases. As proper, the Examiner will continue to take the broadest reasonable
interpretation of the claim language consistent with the specification.

4.      As the claims are currently presented the mail piece appears to be in parallel with
itself instead of the mail piece operations being performed in parallel or simultaneously
ie. (generating indicia for a mailpiece in parallel with the mailpiece). If Applicant wishes
to convey that the operations are performed in parallel, Applicant should amend the
claims to clarify the system operation. Accordingly, Applicant's arguments are not
persuasive, the rejection is maintained and this Office Action will properly be made
**FINAL**.

Claim Rejections 35 U.S.C. 103

5.      Applicant argues with respect to claim 1, 3-7, 9-12, 14-17-18 and 22 that the
combination of Freeman and Leon do not teach the claim limitation. Examiner
disagrees. The Applicant is arguing the claim limitation more narrowly than claimed (see
the Response to arguments section above).

Claim 2

6.    In response to applicant's argument that Chang does not teach performing

quality control monitoring of a postage value calculated by a computing device, a

recitation of the intended use of the claimed invention must result in a structural

difference between the claimed invention and the prior art in order to patentably

distinguish the claimed invention from the prior art. If the prior art structure is capable of

performing the intended use, then it meets the claim. Furthermore Chang was relied

upon to show that monitoring in a postage environment was old and well known at the

time of invention. Accordingly, Applicant's arguments are not persuasive, the rejection is

maintained

Claim 20

Hugget et al. U.S. Patent No. 5,468,945 has been supplied to support Examiner's

finding of Official Notice. Hugget teaches a high-speed system with postage labels

placed at random positions and orientations (see Col. 3 lines 1-20).


### Claim Rejections - 35 USC § 103

7.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.      Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman

et al. U.S. Patent No. 4,742,878 in view of Leon U.S. Pre-Grant Publication No.

2001/0042052 A1.

9.      As per Claim 1, Freeman teaches, a postage computing device for separately

calculating postage value due for each individual mail piece of said plurality of mail

pieces (see Col. 2 lines 11-17), said postage computing device operable to use said

calculated postage value to generate postage indicia for an a mail piece of said plurality

of mail pieces in parallel with the mail piece of said plurality of mail pieces being

physically created and processed by at least one mail processing component of said

two or more mail processing components (see Col. 9 lines 33-40).

a postage application printer positioned to print said postage indicia on the mail piece of

said plurality of mail pieces that is being moved by the conveyor system (see Col. 9

lines 47-48), wherein said postage indicia is available for printing by said postage

application printer at the time the mail piece of said plurality of mail pieces arrives at

said postage application printer (see Col. 9 lines 50-52); Freeman does not explicitly

teach the system taught by Leon, a computer processing system for storing information

related to the processing of each mail piece and for providing the controller with the

processing information (see para. 96). Although Freeman does not teach information

based indicia, Leon further teaches generate information based indicia and printing

information based indicia (see para. 87; 45 and 46). It would have been prima facie

obvious to one of ordinary skill in the art at the time of invention to modify the system of

Freeman to include the teachings of Leon in order to make share information regarding

items to be posted accessible and use technological advances in computers and their
networks, as taught by Leon para. 96 and 73.

10.    Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Freeman et al. U.S. Patent No. 4,742,878 in view of Leon U.S. Pre-Grant
Publication No. 2001/0042052 A1 in further view of Chang et al. U.S. Patent No.
5,612,888.

11.    As per Claim 2, Freeman in view of Leon teaches the system of claim 1 as
described above. Freeman does not explicitly teach a quality control unit adapted to
monitor the postage value calculated by the postage computing device. Chang teaches
a quality control unit for monitoring the postage value calculated by the postage
computing device (see Col. 3 lines 10-14). It would have been prima facie obvious to
one of ordinary skill in the art at the time of invention to modify the systems of Freeman
and Leon to include the teachings of Chang in order to maintain integrity in the event of
a fault, as taught in Chang Col. 3 lines 10-14.

12.    As per Claim 5, Freeman in view of Leon teaches the system of claim 1 as
described above. Freeman does not explicitly teach wherein the controller and the
computer processing system are the same device. Chang teaches the controller and the
computer processing system are the same device (see Col. 2 lines 38-43 and Col. 3
lines 10-14). It would have been prima facie obvious to one of ordinary skill in the art at
the time of invention to modify the systems of Freeman and Leon to include the
teachings of Chang in order to enable a flexible architecture, as taught in Chang Col. 3
lines 5-7.

13.    As per Claim 6, Freeman in view of Leon teaches the system of claim 1 as

described above. Freeman does not explicitly teach wherein the controller, the

computer processing system and the postage computing device are the same device.

Chang teaches wherein the controller, the computer processing system and the postage

computing device are the same device (see Col. 2 lines 38-43). It would have been

prima facie obvious to one of ordinary skill in the art at the time of invention to modify

the systems of Freeman and Leon to include the teachings of Chang in order to enable

a flexible architecture, as taught in Chang Col. 3 lines 5-7.

14.    Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman

et al. U.S. Patent No. 4,742,878 in view of Leon U.S. Pre-Grant Publication No.

2001/0042052 A1 in further view of Freeman U.S. Patent No. 6,041,569 (Hereinafter,

"Freeman 2").

15.    As per Claim 7, Freeman in view of Chang teaches the system of claim 1 as

described above. Freeman does not explicitly teach the system taught by Freeman 2,

wherein the postage application printer is a high-speed ink jet printer (see Col. 7 lines

57-62). It would have been prima facie obvious to one of ordinary skill in the art at the

time of invention to modify the systems of Freeman and Leon to include the teachings of

Freeman 2 in order to enable high speed indicia printing.

16.    Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Freeman et al. U.S. Patent No. 4,742,878 in view of Leon U.S. Pre-Grant

Publication No. 2001/0042052 A1 in further view of Ryan, Jr. U.S. Patent No. 6,173,274

B1.

17.    As per Claim 3, Freeman in view of Leon teaches the system of claim 1 as described above. Freeman does not explicitly teach a mail piece printer for printing documents that will be combined into the mail pieces. Ryan teaches a mail piece printer for printing documents that will be combined into the mail pieces (see Col. 5 lines 23-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Freeman and Leon to include the teachings of Ryan to produce high volume mail-pieces, as taught in Ryan Col. 5 lines 31-35.

18.    As per Claim 4, Freeman in view of Leon teaches the system of claim 1 as described above. Freeman does not explicitly teach wherein the mail processing components include at least one of a folder and an inserter. Ryan teaches the mail processing components include a folder and an inserter (see Col. 5 lines 20-21 and Col. 6 lines 45-52). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Freeman and Leon to include the teachings of Ryan to produce customized documents corresponding to an individual customer account.

19.    As per Claim 9, Freeman in view of Leon teaches the system of claim 1 as described above. Freeman does not explicitly teach wherein the postage application prints other information on the mail piece of said plurality of mail pieces in addition to the postage information. Ryan teaches the postage application prints other information on one or more of the mail pieces in addition to the postage information (see Col. 7 lines 29-34). It would have been prima facie obvious to one of ordinary skill in the art at the

time of invention to modify the systems of Freeman and Leon to include the teachings of

Ryan to allow address information to be included for mailpiece delivery.

20.    As per Claim 10, Freeman in view of Ryan teaches the system of claim 9 as

described above. Freeman does not explicitly teach wherein the additional information

includes one or more items selected from the group consisting of: marketing

information; address information; and an envelope border. Ryan teaches wherein the

additional information includes one or more items selected from the group consisting of:

marketing information; address information; and an envelope border (see Col. 7 lines

29-34). It would have been prima facie obvious to one of ordinary skill in the art at the

time of invention to modify the systems of Freeman and Leon to include the teachings of

Ryan to allow address information to be included for mailpiece delivery.

21.    Claims 11-12, 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being

anticipated by Ryan, Jr. U.S. Patent No. 6,173,274 B1 in view of Freeman U.S. Patent

No. 4,742,878 in further view of Leon U.S. Pre-Grant Publication No. 2001/0042052 A1.

22.    As per Claim 11, Ryan teaches receiving processing instructions that identify

how each mail piece of said mail pieces should be processed (see Col. 4 lines 17-28);

controlling the components of the high-speed processing system to comply with the

processing instructions (Col. 4 lines 13-28);  individually calculating a postage value for

said each mail piece  of said mail pieces (see Col. 7 lines 12-14); and printing the

calculated postage value on each mail piece (see Col. 7 lines 1-4). Ryan does not

explicitly teach the method taught by Freeman; generating postage indicia, using said

calculated postage value, for an individual mail piece in parallel with the individual mail

piece being physically processed for one or more of the components, including at least one of a folder and an inserter of said high-speed mail processing system (see Col. 9 lines 33-40).; and wherein said postage indicia is available for printing at the same time the corresponding one of the mail pieces arrives at a printer for said printing (see Col. 9 lines 50-52). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Ryan to include the teachings of Freeman to provide a mixed weight mailing system having improved singulating capability, as taught in Freeman Col. 2 lines 3-5. Although Freeman does not teach information based indicia, Leon further teaches generate information based indicia and printing information based indicia (see para. 87; 45 and 46). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Ryan and Freeman to include the teachings of Leon in order to use technological advances in computers and their networks, as taught by Leon para. 96 and 73.

23.     As per Claim 12, Ryan in view of Freeman and Leon teaches the method of claim 11 as described above. Ryan further teaches folding the mail pieces (see Col. 6 lines 45-47); inserting the mail pieces into an envelope (see Col. 6 lines 52-54); and printing the calculated postage on each envelope (see Col. 7 lines 1-4).

24.     As per Claim 15, Ryan in view of Freeman and Leon teaches the method of claim 11 as described above. Ryan further teaches printing other information on one or more of the mail pieces in addition to the postage value for that piece (see Col. 7 lines 29-34).

25.     As per Claim 16, Ryan in view of Freeman and Leon teaches the method of claim 11 as described above. Ryan further teaches wherein the other information includes

one or more items selected from the group consisting of: marketing information; address information; and an envelope border (see Col. 7 lines 29-34).

26.     As per Claim 18, Ryan in view of Freeman and Leon teaches the method of claim 11 as described above. Ryan further teaches printing documents to be included in each mail piece prior to folding the mail piece (see Col. 5 lines 65-67).

27.     Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan, Jr. U.S. Patent No. 6,173,274 B1 in view of Freeman U.S. Patent No. 4,742,878 in further view of Leon U.S. Pre-Grant Publication No. 2001/0042052 A1 and Manduley et al. U.S. Patent No. 5,079,714.

28.     As per Claim 14, Ryan teaches the method of claim 11 as described above. Ryan does not explicitly teach wherein the postage value is calculated without weighing the mail pieces. Manduley teaches wherein the postage value is calculated without weighing the mail pieces (see Col. 8 lines 39-44). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Ryan, freeman and Leon to include the teachings of Manduley in order to utilize a computer which maintains a database and inserts of their weights, as taught in Manduley Col. 8 lines 40-44.

29.     Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan, Jr. U.S. Patent No. 6,173,274 B1 in view of Freeman U.S. Patent No. 4,742,878 in further view of Leon U.S. Pre-Grant Publication No. 2001/0042052 A1 and Chang et al. U.S. Patent No. 5,612,888.

30.    As per Claim 17, Ryan in view of Freeman in further view of Leon teaches the

method of Claim 11 as described above. Ryan does not explicitly teach, performing a

quality control analysis on one or more of the calculated postage values. Chang teaches

performing a quality control analysis on one or more of the calculated postage values

(see Col. 3 lines 10-14). It would have been prima facie obvious to one of ordinary skill

in the art at the time of invention to modify the methods of Ryan, Freeman and Leon  to

include the teachings of Chang in order to maintain integrity in the event of a fault, as

taught in Chang Col. 3 lines 10-14.

31.    Claim 19 is rejected under 35 U.S.C. 103(a) as being anticipated by Ryan, Jr.

U.S. Patent No. 6,173,274 B1 in view of Freeman U.S. Patent No. 4,742,878 in further

view of Leon U.S. Pre-Grant Publication No. 2001/0042052 A1 and Rasmussen et al.

20040088267 A1.

32.    As per Claim 19, Ryan teaches means for receiving processing instructions that

identify how each mail piece should be processed (see Col. 4 lines 17-28); means for

controlling the components of a high-speed processing system in accordance with the

processing instructions (see Col. 4 lines 13-28); and a printer for printing the calculated

postage value on each mail piece (see Col. 7 lines 1-4). Ryan does not explicitly teach

the system taught by Rasmussen means for calculating a postage value for each

individual mail piece  based upon a count of the number of documents included in each

said individual mail piece and weights of the documents; said weights determined, and

postage value calculated, without weighing the individual mailpiece using information

from said processing instructions, and in parallel with the high-speed processing of said

mail piece (see para. 12 and para. 13). It would have been prima facie obvious to one of

ordinary skill in the art at the time of invention to modify the system of Ryan to include

the teachings of Rasmussen to determine weight based deliver fee, as taught by

Rasmussen para. 3.

33.    Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan,

Jr. U.S. Patent No. 6,173,274 B1 in view of Freeman U.S. Patent No. 4,742,878 in

further view of Leon U.S. Pre-Grant Publication No. 2001/0042052 A1 and Rasmussen

et al. 20040088267 A1 and Official Notice (as supported by Huggett).

34.    As per Claim 20, Ryan teaches the method of claim 19 as described above.

Ryan further does not explicitly teach wherein the printer is a high-speed printer that is

capable of printing the postage value at any position or orientation on the mail pieces.

Official Notice is taken that a high-speed printer that is capable of printing at any

position or orientation is old and well known. It would have been prima facie obvious to

one of ordinary skill in the art at the time of invention to modify the method of Ryan to

include the teachings of Official Notice in order to speed up processing times.

35.    Claim 22 is rejected under 35 U.S.C. 103(a) as being anticipated by Ryan, Jr.

U.S. Patent No. 6,173,274 B1 in view of Freeman U.S. Patent No. 4,742,878 in further

view of Leon U.S. Pre-Grant Publication No. 2001/0042052 A1 and Rasmussen et al.

20040088267 A1.

36.    As per Claim 22, Ryan in view of Freeman and Leon teaches the method of claim

11 as described above. Ryan does not explicitly teach the method taught by

Rasmussen, wherein a weight of each mail piece varies depending upon the number of

pages included in each mail piece (see para. 13 and 18), and wherein the postage

value for each mail piece is calculated based upon a count of the number of pages

included for that mail piece and weights of the pages (see para. 13). It would have been

prima facie obvious to one of ordinary skill in the art at the time of invention to modify

the system of Ryan to include the teachings of Rasmussen to determine weight based

deliver fee, as taught by Rasmussen para. 3.

37.      **THIS ACTION IS MADE FINAL.**  Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-

1361.  The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays

off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Hayes can be reached on 571 272 0847.  The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

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<div style="margin-left: 50%;">
Tonya  Joseph
Examiner
Art Unit 3628
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/John W Hayes/
Supervisory Patent Examiner, Art Unit 3628